

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

JOHN WINSLOW,

Plaintiff,

v.

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

Case No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Hartford Life and Accident Insurance Company (“Hartford”), hereby files this Notice of Removal of this case from the Lincoln County Superior Court, Docket No. CV-2019-0022, where it is currently pending, to the United States District Court for the District of Maine. This case is removable pursuant to 28 U.S.C. § 1331, in that Plaintiff’s claims arise under the Employee Retirement Income Security Act of 1974 as amended (“ERISA”), 29 U.S.C. § 1001, *et. seq.*, thus supplying federal question jurisdiction.

Hartford respectfully shows the Court as follows:

1. Plaintiff instituted this civil action in the Lincoln County Superior Court on or about August 8, 2019.
2. Hartford received the Summons and Complaint no earlier than August 1, 2019. *A copy is attached hereto as Exhibit 1.*

3. Pursuant to Rule 6(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after receipt of the initial pleading on which the aforesaid action is based.

4. The United States District Court for the District of Maine is the federal judicial district embracing the Lincoln County Superior Court, where this suit was originally filed. Venue is therefore proper under 28 U.S.C. §§ 109 and 1441(a).

FEDERAL QUESTION

5. Plaintiff claims benefits are due under a Group Policy of long-term disability insurance provided by Hartford to Plaintiffs former labor union ("the Group Policy") (Ex. 1, Compl. at 111I 1-2). Plaintiff states that he brings this action "under the Employee Retirement Income Security Act ("ERISA") 502(a)(1)(B), 29 U.S.C. 1132 (a)(1)(B), to recover benefits" (Ex. 1, Compl. at ¶ 6).

6. Pursuant to 29 U.S.C. §§ 1132(e)(1) and (f) and 28 U.S.C. §§ 1331 and 1441, the District Courts of the United States have original and/or exclusive jurisdiction over such claims without respect to the amount in controversy or the citizenship of the parties, and such cases may be removed to this Court.

MISCELLANEOUS

7. A copy of this Notice of Removal is being filed with the Lincoln County Superior Court as provided by law, and written notice is being sent to Plaintiff's counsel. *A copy of the cover letter and Notice of Filing Notice of Removal are attached hereto as Exhibit 2.*

8. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

9. The allegations of this Notice are true and correct and this case is removable to the United States District Court for the District of Maine.

10. If any question arises as to the propriety of the removal of this action, Hartford respectfully requests the opportunity to present a brief in support of its position that this case is removable.

WHEREFORE, Hartford, by and through counsel, and through the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the clerk of the Lincoln County Superior Court, effects the removal of said civil action to this Honorable Court.

Dated: Aug. 21, 2019

By their attorneys,

/s/ Byrne J. Decker

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*Attorneys for Defendant Hartford Life and Accident
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CERTIFICATE OF SERVICE

This is to certify that I have this day served Plaintiff with a true and correct copy of the within and foregoing **NOTICE OF REMOVAL** by depositing a copy of same in the United States Mail with adequate First Class postage affixed thereon, addressed as follows:

Andrew S. Davis, Esq.
LAMBERT COFFIN
One Canal Plaza, Suite 400
Portland, ME 04101

Dated: 08/21/2019

/s/ Byrne J. Decker

Byrne J. Decker